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Countrywide Home Loans Servicing, LP*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP

Plaintiff,

vs.

CANYON WILLOW TROPICANA
OWNERS' ASSOCIATION; VAN N.
KABZENELL; AND NEVADA
ASSOCIATION SERVICES, INC.,

Defendants.

Case No.: 2:16-cv-01327-GMN-NJK

**STIPULATION AND ORDER OF FINAL
JUDGMENT AND QUIET TITLE**

Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP f/k/a
Countrywide Home Loans Servicing, LP (**BANA**), Canyon Willow Tropicana Owners' Association
(**Canyon Willow**), and Van N. Kabzenell, by and through their attorneys of record, stipulate as
follows:

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1. This matter relates to real property located at 5710 E. Tropicana Avenue, #2079, Las Vegas, Nevada 89122, APN 161-21-813-077 (the "Property"). The Property is more specifically described as:

PARCEL ONE (1):

One (1) allocated interest (except Association Property) as tenant(s) in common in the Common Elements within Phase 3D of CANYON WILLOW EAST UNIT 3 as shown by map thereof on file in Book 88 of Plats, Page 66 in the Office of the County Recorder, Clark County, Nevada. As Phases are annexed the allocated interest for each unit will be a fraction, the numerator of which will be one (1), and the denominator of which will be the total of all units in all Phases that become subject to the Declaration.

EXCEPTING THEREFROM all Units in all residential buildings and designated exclusive use easements as shown upon the Plat referred to above.

AND RESERVING THEREFROM the right to possession of all those areas designated as Limited Common Elements as shown upon the Plat referred to above.

AND FURTHER RESERVING THEREFROM for the benefit of owners in future development, non-exclusive easements on and over the Common Area and Private Streets as defined and shown upon the Plat referred to above for ingress, egress, and recreational use, subject to the terms and as more particularly set forth in the Declaration of Covenants, Conditions and Restrictions for CANYON WILLOW EAST UNIT 1 ("CANYON WILLOW TROP"), a condominium development recorded March 05, 1998 in Book 980305 as Document No. 01720, as the same may from time to time be amended and/or supplemented in the Office of the County Recorder, Clark County, Nevada.

PARCEL TWO (2):

Living Unit 2079 in Building 21 of CANYON WILLOW EAST UNIT 3 as shown by map thereof on file in Book 88 of Plats, Page 66 in the Office of the County Recorder, Clark County, Nevada.

PARCEL THREE (3):

The exclusive right to use, possession and occupancy of those portions of the Limited Common Elements as described in the Declaration and as shown upon the Plat referred to above.

PARCEL FOUR (4):

A non-exclusive easement for ingress, egress and recreational use, on and over the Common Areas and Private Streets of CANYON WILLOW EAST UNIT 3 as shown by map thereof on file in Book 88 of Plats, Page 66 in the Office of the County Recorder, Clark County, Nevada and future units, which easement is appurtenant to Parcels One (1), Two (2) and Three (3) described above.

APN 161-21-813-077

2. BANA is the beneficiary of record of a deed of trust recorded in the Clark County recorder's office against the property located at 5710 E. Tropicana Avenue, #2079, Las Vegas, Nevada 89122, APN 161-21-813-077 (the "Property") on April 14, 2005, as Instrument Number 20050414-0002638 (the "Deed of Trust"), to secure a promissory note in the original amount of \$116,400.00 executed by Etienne and Megan Hardre.

3. On June 28, 2013, Canyon Willow recorded a Foreclosure Deed as Instrument Number 201306280002659 of the Official Records of Clark County, Nevada (the "HOA Foreclosure Deed"), reflecting that Kabzenell acquired the Property at a foreclosure sale of the Property held June 21, 2013 (the "HOA Foreclosure Sale").

4. On June 14, 2016, BANA initiated a quiet title action against Canyon Willow, Kabzenell, and Nevada Association Services, Inc. in the United States District Court, District of Nevada, Case No. 2:16-cv-01327 (the "Quiet Title Action").

5. The Parties have entered into a confidential settlement agreement in which they have settled all claims between them in this case.

6. Among other things in the settlement agreement, BANA, Kabzenell, and Canyon Willow agree that Kabzenell will transfer any and all interest it acquired as a result of the HOA Foreclosure Sale and HOA Foreclosure Deed to BANA via quit-claim deed, in accordance with the terms of the agreement.

7. Among other things in the settlement agreement, BANA, Kabzenell, and Canyon Willow agree that, upon delivery of the quit-claim deed, title to the Property is quieted in BANA's favor.

Canyon Willow and Kabzenell disclaim all right, title, or interest in the Property as a result of the HOA Foreclosure Sale and the HOA Foreclosure Deed.

8. BANA, Kabzenell, and Canyon Willow further stipulate and agree that this matter be dismissed in its entirety with prejudice, with each party to bear its own attorney's fees and costs.

Respectfully submitted this 25th day of January, 2019, by:

LIPSON NEILSON, PC <u>/s/ Megan H. Hummel</u> Kaleb D. Anderson, Esq. Megan H. Hummel, Esq. 9900 Covington Cross Drive, Suite 120 Las Vegas, Nevada 89144 <i>Attorneys for Canyon Willow Trop Owners' Association</i>	THE LAW OFFICES OF CURTISS S. CHAMBERLAIN <u>/s/ Curtiss S. Chamberlain</u> Curtiss S. Chamberlain, Esq. 6887 West Charleston Blvd. Las Vegas, Nevada 89103 <i>Attorneys for Van N. Kabzenell</i>
AKERMAN, LLP <u>/s/ Jamie K. Combs</u> Melanie D. Morgan, Esq. Jamie K. Combs, Esq. 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for Plaintiff Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP</i>	

ORDER

Based on the above stipulation between plaintiff Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, defendant Canyon Willow Tropicana Owners' Association, and defendant Van N. Kabzenell, the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that title to the real property located 5710 E. Tropicana Avenue, #2079, Las Vegas, Nevada 89122, APN 161-21-813-077 is quieted in favor of Bank of America, N.A.

IT IS FURTHER ORDERED that this constitutes the final Order of this Court, resolving all claims, and that this case is **DISMISSED** in its entirety with prejudice, each party to bear its own fees and costs.

IT IS FURTHER ORDERED that in light of the above Stipulation, Defendant Canyon Willow's Motion for Summary Judgment, (ECF No. 40), and Plaintiff BANA's Motion for Partial Summary Judgment, (ECF No. 41), are **DENIED as moot**.

The Clerk of Court is instructed to close the case.

DATED this 31 day of January, 2019.



Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT